

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K230-11oo1PC	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AT2004/000360	International filing date (<i>day/month/year</i>) 21.10.2004	Priority date (<i>day/month/year</i>) 15.12.2003	
International Patent Classification (IPC) or national classification and IPC F16B7/14, A63C11/22			
Applicant KOMPERDELL SPORTARTIKEL GESELLSCHAFT M.B.H.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 9 sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AT2004/000360

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages _____ as originally filed/furnished
 pages* 1-4 received by this Authority on 30.06.2005 with letter of 28.06.2005
 pages* _____ received by this Authority on _____
 the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1-7 received by this Authority on 30.06.2005 with letter of 28.06.2005
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets _____ as originally filed/furnished
 sheets* 1/3-3/3 received by this Authority on 30.06.2005 with letter of 28.06.2005
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

Box No. V	International application No. PCT/AT2004/000360
-----------	--

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
-----------	--

1. Statement

Novelty (N)	Claims <u>1 – 7</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1 – 7</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1 – 7</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. Document **D4** (EP-A-0 314 357), considered to be the closest prior art, discloses a clamping device with all the features of the preamble of the amended **claim 1**, from which the subject matter of said claim differs in that:
 - the two expanding elements can be adjusted relative to the clamping part;
 - the expanding elements are screwed onto threaded sections of a threaded shaft with threads running in opposite directions; and in that
 - a threaded part comprising the threaded shaft is attached to the inner tube, the tubes being telescopically inserted one within the other.
2. The subject matter of the amended claim 1 is therefore novel (PCT Article 33(2)).
3. The effect of the distinguishing features is that the rotation of the tubes gives rise to a

/ ...

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/AT2004/000360

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

relatively large axial movement of the two extended elements towards one another and, in consequence, the required clamping effect can be more rapidly obtained.

The problem addressed by the present invention can consequently be regarded as that of making the clamping process faster (see the description, page 1, lines 38 ff.).

4. No such solution is proposed in the available prior art. Although document **D1** (US-A-5 263 802) discloses expanding blocks that are screwed onto two ends of a threaded shaft, the clamping device according to said document is fundamentally different in design and purpose from the device known from D4. In consequence, said two documents in combination do not lead in an obvious manner to the subject matter of claim 1.

Thus, the solution proposed in claim 1 involves an inventive step (PCT Article 33(3)).

5. **Claims 2-7** are dependent on claim 1 and, therefore, likewise satisfy the requirements of the PCT in respect of novelty and inventive step.